

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Park
5 District and Public Utility Liability Act.

6 Section 5. Definitions. As used in this Act:

7 "Lessee" means any park district engaged in a contractual
8 lease for property use.

9 "Lessor" means any public utility leasing property
10 ownership, control, or access.

11 "Park district" means a park district as defined in the
12 Park District Code, a forest preserve district, a conservation
13 district, or another local public entity that has recreation
14 departments or facilities and has a lease with a lessor.

15 "Public utility" has the same meaning as used in the
16 Public Utilities Act.

17 Section 10. Liability.

18 (a) Provisions in, or in connection with, a land lease
19 agreement between an electric public utility and a park
20 district that require a lessee to indemnify or hold harmless
21 the lessor, or the lessor's independent contractors, agents,
22 employees, or indemnitees, including, but not limited to,

1 waivers of subrogation, against liability for damages arising
2 out of bodily injury to persons or damage to property
3 proximately caused by or resulting from negligence, in whole
4 or in part, of the lessor, or its independent contractors,
5 agents, employees, or indemnitees, are against public policy,
6 void, and unenforceable.

7 (b) Nothing in this Act shall prevent or prohibit a
8 contract, promise, or agreement for a lessor to indemnify or
9 hold harmless any lessee against liability for damages
10 resulting from the sole negligence of the lessor, its agents,
11 or its employees.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.